

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

SAGE HUMPHRIES, GINA  
MENICHINO, ROSEMARIE  
DeANGELO, DANIELLE GUTIERREZ,  
JANE DOE 1, AND JANE DOE 2

Case No.: 2:21-cv-01412-ART-EJY

ORDER REFERRING CASE TO  
SETTLEMENT CONFERENCE AND  
APPOINTING COUNSEL

Plaintiffs,

v.

MITCHELL TAYLOR BUTTON and  
DUSTY BUTTON,

Defendants.

On October 13, 2023, this Court held a status conference to discuss parties' interest in referring this case to a settlement conference. (ECF No. 282.) Both parties consented to the referral. (*Id.*) The Court grants the referral and will also appoint counsel for Defendants for the limited purpose of the settlement conference in recognition of the extraordinary circumstances meriting this action.

While a party has no right to counsel in civil actions, see *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981), the Court may request an attorney for a party proceeding *in forma pauperis* in exceptional circumstances. See 28 U.S.C. § 1915 (e) (1); see also *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). In order to determine whether exceptional circumstances exist, a court must consider: (1) "the likelihood of success on the merits"; and (2) "the ability of the petitioner to articulate [their] claims pro se in light of the complexity of the legal issues involved." *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009) (quoting *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)). Neither of these considerations is dispositive and the Court must examine them together. *Id.* (citing *Wilbur v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)).

Defendants demonstrate exceptional circumstances justifying appointing counsel. Defendants are proceeding *pro se* and *in forma pauperis* in a complex

1 case involving multiple parties and multiple claims and counterclaims. In  
2 addition, parties are more likely to favorably resolve the issues in a settlement  
3 conference with the assistance of counsel familiar with the settlement process.

4 For these reasons, the Court finds that extraordinary circumstances exist  
5 which merit the appointment of counsel for Defendants. As such, the Court will  
6 appoint pro bono counsel to represent Defendants for the settlement conference  
7 unless Defendants declare their desire that the Court not appoint counsel.

8 It is therefore ordered that this case is referred to Magistrate Judge Koppe  
9 for settlement.

10 It is further ordered that the Clerk of Court refer this case to the Pro Bono  
11 Program for appointment of counsel for the limited purpose of the settlement  
12 conference unless Defendants notify the Court that they do not desire  
13 appointment of counsel.

14 It is further ordered that the Clerk of Court forward this order to the Pro  
15 Bono Liaison.

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18 DATED THIS 20<sup>th</sup> day of October 2023.

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22 ANNE R. TRAUM  
23 UNITED STATES DISTRICT JUDGE  
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